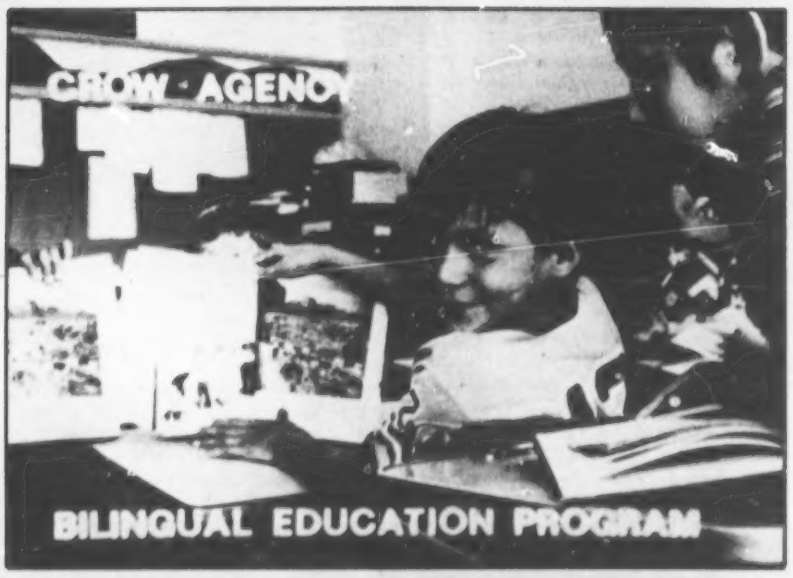
BILINGUAL MATERIALS DEVELOPMENT CENTER



In the late 1800's, Indian children, forced by the U.S. government into off-reservation boarding schools where the curricula were exclusively in English, were punished when they were caught using their native languages.

Suits Prompted U.S. Officials To Address Rights Questions

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gual education. Ten years earlier, foreign-language instruction had begun to make a comeback in the aftermath of sputnik and the Congress's passage of the National Defense Education Act. And political winds in the late 1960's favored more attention for Hispanics, who had been largely passed over by the new anti-poverty and civil-rights laws.

The National Education Association had drawn attention to the plight of Spanish-speaking children with its "Tucson survey" of 1965-66, painting a picture of educational neglect in that Arizona city—inadequate facilities and materials, a lack of trained teachers, and the scandal of "sink or swim" schooling. During hearings on Senator Yarborough's bill, representatives of the N.E.A. and "The Invisible Minority," a pamphlet describing the survey, commanded center stage.

In endorsing the bill, Senator George Murphy, Republican of California, noted that Gov. Ronald Reagan had recently signed legislation repealing California's English-only school statute. (In 1972, Mr. Reagan approved the state's first bilingual-education law.)

As with any idea whose time has come politically, members of Congress scrambled to affix their names. Thirty-seven bilingual-education bills were introduced in 1967.

Expenditures were another matter, however. The 90th Congress approved no funding for Title VII in the first year, 1968-69. For the next school year, it appropriated $7.5 million, enough to finance 76 projects serving 27,000 children.

The federal funding effectively doubled the number of children enrolled in bilingual classrooms in the United States. In 1968, only 26,000 students received bilingual instruction, according to Heinz Kloss, an education historian. By 1972, the total had risen to 112,000 of the estimated 5 million language-minority children of school age.

In 1971, Massachusetts became the first state to pass a bilingual-education law; by the early 1980's, 30 states had such statutes. Nine required native-language instruction under certain circumstances, and 21 provided financial aid to bilingual programs. While a few states continue to prohibit instruction in languages other than English, these laws are no longer enforced.

Civil-Rights Policy

The second track of federal policy on bilingual education began to take shape around 1970, prompted by civil-rights litigation alleging that equal opportunities were being denied to language-minority students.

While the Civil Rights Act of 1964 extended its anti-discrimination guarantees to national origin, by the late 1960's federal officials were still restricting their attention in the schools to race bias against blacks.

La Raza Unida Party, a militant Chicano group in Crystal City, Tex., took matters into its own hands. In 1969, it organized school boycotts to protest the segregation and unequal treatment of Spanish-speaking students. Bilingual education was among its demands and—after the party won a majority of seats on the local school board—among its innovations.

Meanwhile, Mexican-American, Puerto Rican, and other language-minority parents began to sue school districts, challenging officials' failure to address their children's language needs.

Finally, on May 25, 1970, the U.S. government entered the fray. J. Stanley Pottinger, director of the federal office for civil rights, informed "school districts with more than 5 percent national-origin-minority group children" of their obligations under Title VI of the Civil Rights Act, which outlaws discrimination in federally supported programs.

First, he said in a memorandum, where children had limited-English skills, "the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." Though districts were not directed to establish bilingual-education programs, the memo demanded that some special language instruction be offered.

Also, children could not be assigned to classes for the handicapped "on the basis of criteria which essentially measure or evaluate English-language skills," Mr. Pottinger said. Nor could schools shuttle children along vocational tracks toward an "educational dead-end" instead of teaching them English. Finally, school administrators had to communicate with parents in a language they could understand.

While the memo carved out new territory for O.C.R. enforcement of Title VI—including the threat to cut off federal education subsidies as a last resort—the immediate reaction in school districts was muted. Colman B. Stein, an education historian, writes that in Beeville, Tex., the superintendent's only response was to redesignate the vocational track as "career education."

Court Mandates

If the executive branch was slow to get results, the federal courts were not. For example:

- In 1972, in the case of *Serna* v. *Portales Municipal Schools*, a U.S. District Judge ordered a New Mexico school district to provide instruction in the children's native language and culture as part of a desegregation plan. Upholding the decision two years later, the U.S. Court of Appeals for the 10th Circuit ruled that Title VI gave Hispanic students "a right to bilingual education."
- In 1974, Aspira, a Puerto Rican advocacy group, won a consent decree that established a bilingual program for Spanish-dominant children in New York City. The agreement, the result of a suit filed on behalf of 150,000 Hispanic students, remains in effect today.
- In 1981, in the most sweeping court order, U.S. District Judge William Wayne Justice cited past discrimination by the Texas Education Agency and mandated bilingual instruction in grades K-12 throughout Texas.

Not only had the state segregated students in inferior "Mexican schools," the judge said, but the state had "formerly vilified the language, culture, and heritage of these children with grievous results." A year later, however, the U.S. Court of Appeals for the Fifth Circuit reversed the ruling in the case, *U.S.* v. *Texas*.

Today, the most important court case regarding language-minority students—and the only such case to reach the U.S. Supreme Court—remains *Lau* v. *Nichols*. The lawsuit originated in 1969, when a poverty lawyer in San Francisco learned that a client's child, Kinney Lau, was failing in school because he could not understand the language of instruction.

The class-action suit alleged that the district's 1,800 Chinese students were being denied education on "equal terms"—the High Court's standard in *Brown* v. *Board of Education*—because of their limited-English skills.

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Lau Still the Key Case Involving Language-Minority Students

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San Francisco school officials argued that, unlike the 1954 *Brown* case, there was no discrimination because there was no segregation. The same instruction was offered to all students, they said, without regard to national origin, and the district was not to blame for the Chinese children's "language deficiency." Federal district and appeals courts agreed.

But in 1974, the Supreme Court unanimously overruled the lower courts. "There is no equality of treatment," wrote Justice William O. Douglas, "merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively

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foreclosed from any meaningful education."

Under Title VI of the Civil Rights Act, the Chinese-speaking children were entitled to special assistance to enable them to participate equally in the school program, the Court said. "Sink or swim" was unacceptable.

The Court did not invoke Constitutional guarantees—or, in legal parlance, the opinion "did not reach" the Equal Protection Clause of the 14th Amendment. Title VI, whose implications were spelled out by Mr. Pottinger's memorandum, was sufficient basis for requiring extra help for children with limited English skills, according to Justice Douglas.

Also, the Court stopped short of mandating bilingual education—an omission that the program's critics have interpreted as "upholding flexibility" for school districts. But because the *Lau* plaintiffs had earlier dropped their request for bilingual education, the Court's failure to order it was customary; it conformed with Supreme Court procedure. The opinion said nothing for or against flexibility.

"No specific remedy is urged upon us," Justice Douglas said in the preface to his opinion. "Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioners ask only that the Board of Education be directed to apply its expertise to the problem and rectify the situation."

In the end, San Francisco officials signed a consent decree with the plaintiffs to provide bilingual instruction for the city's Chinese, Filipino, and Hispanic children.

Lau Remedies

The *Lau* ruling attracted little public notice at the time, receiving a one-sentence mention in the Jan. 22, 1974, edition of *The New York Times*.

But the office for civil rights grasped the magnitude of the enforcement job ahead. In 1975, its investigators visited 334 districts with large numbers of language-minority children and found that "most . . . utterly failed to meet their responsibilities," according to David S. Tatel, who later became director of the O.C.R. Meanwhile, as mandated by the Supreme Court, a task force led by Martin H. Gerry drew up guidelines for "educational approaches which would constitute appropriate 'affirmative steps' to be taken by a noncomplying school district 'to open up its instructional program.'"

Education Commissioner Terrel H. Bell announced these so-called "*Lau* remedies" on Aug. 11, 1975. They told districts, among other things, how to identify and evaluate children with limited-English skills, what instructional treatments would be appropriate, when children were ready for mainstream classrooms, and what professional standards teachers should meet.

Most significant, the remedies went beyond the *Lau* decision and mandated bilingual education for elementary-school children who spoke little or no English.

> It is not the purpose of the bill to create pockets of different languages . . . but just to try to make those children fully literate in English.
>
> — Senator Ralph Yarborough

"English as a second language is a necessary component" of bilingual instruction, the guidelines added, but "since an E.S.L. program does not consider the affective or cognitive development of the students . . . an E.S.L. program [by itself] *is not* appropriate." For secondary-school students, the guidelines said, English-only compensatory instruction would usually be permissible.

Hastily drafted without an opportunity for public comment, the *Lau* remedies lacked the legal status of regulations. In practice, though, the guidelines had the full force of the federal government behind them, as the O.C.R. embarked on a campaign of aggressive enforcement. Where federal investigators found that the civil rights of language-minority students were being violated, they used the *Lau* remedies as a basis to negotiate consent agreements, or "*Lau* plans," with offending districts.

Title VII Evolves

By 1974, when the Bilingual Education Act came up for reauthorization, it had developed a strong constituency among Hispanics and influential allies on Capitol Hill. Title VII's budget had increased to $50 million, and Senators Edward Kennedy and Walter Mondale, both Democrats, moved to expand the program.

As amended, the law dropped the poverty criterion—previously, participants had to come from families with incomes below $3,000 a year—and, for the first time, Title VII required programs receiving grants to include instruction in the children's native language and culture.

While "bilingual-bicultural education" was sanctioned as a route to English acquisition, the 1974 amendments failed to resolve the tension between the goals of transition to English and maintenance of a native language. Both approaches remained eligible for funding.

In instructions for grant applicants in 1971, the Department of Health, Education, and Welfare had said, "It must be remembered that the ultimate goal of bilingual education is a student who functions well in two languages on any occasion." But in December 1974, before President Gerald Ford signed the 1974 amendments, H.E.W. Undersecretary Frank Carlucci issued a new interpretation of Congressional intent:

"The cultural pluralism of American society is one of its greatest assets, but such pluralism is a private matter of local choice, and not a proper responsibility of the federal government. . . . [The goal of Title VII is] to assist children of limited- or non-English speaking ability to gain competency in English so that they may enjoy equal educational opportunity—and *not* to require cultural pluralism."

Politically, the maintenance issue was to become bilingual education's Achilles heel. Beginning in the mid-1970's, a backlash developed against federal expenditures to promote ethnic pride or to preserve minority languages. Critics argued against diverting federal dollars from the twin imperatives of teaching English and assimilating children into the mainstream.

"The American taxpayer, while recognizing the existence of cultural diversity, still wants the schools to be the basis of an American melting pot," Albert Shanker, president of the American Federation of Teachers, wrote in a 1974 editorial. "While the need for the child to feel comfortable and be able to communicate is clear, it is also clear that what these children need is intensive instruction in English, so that they may as soon as possible function with other children in regular school programs."

President Carter, whose Administration was generally supportive of bilingual education, told his Cabinet, "I want English taught, not ethnic culture."

Reflecting a growing discontent with language-maintenance programs, the education amendments of 1978 excluded them from federal assistance under Title VII. The new law also instructed grant recipients to use native-language instruction "to the extent necessary" for children to become competent in English.

At the same time, eligibility for assistance was expanded to "limited-English-proficient" students—in other words, to include reading and writing, as well as speaking skills.

Regulatory Suicide

Meanwhile, the O.C.R. continued to monitor school districts' performance on civil rights and, where it found violations, to require bilingual education and other changes under the *Lau* remedies. By 1980, it had negotiated 359 *Lau* plans to remedy past discrimination.

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A majority of districts cooperated, albeit with some grumbling about the government's "heavy-handedness," and many LEP children received special help for the first time.

In 1977, for example, Alhambra, Calif., had no bilingual education and minimal English-as-a-second-language instruction. Today, 10 years after the O.C.R. cited it for civil-rights violations, the district runs highly regarded bilingual programs in Spanish, Vietnamese, Cantonese, and Mandarin, and requires every teacher to be trained in the latest E.S.L. techniques. This year, it will do so without any support from Title VII.

But there was resistance to the O.C.R.'s efforts as well.

As a result of one such dispute in 1978, the O.C.R. entered into a consent agreement with a group of school districts in Alaska in which it pledged to issue formal regulations, rather than continue relying on the *Lau* remedies. But the H.E.W. took its time studying the legal issues, and the creation of the new Education Department added to delays in the drafting of the regulations.

Two years later, shortly before the 1980 election, President Carter acted. In what was widely viewed as a political move to win Hispanic support, his Administration proposed regulations even more prescriptive than the *Lau* remedies. Under the *Lau* regulations, bilingual education would be mandated in schools with at least 20 LEP children of the same minority-language group.

Reaction was immediate and overwhelmingly negative from educators' organizations, with support coming only from the N.E.A. and the National Association for Bilingual Education. The Education Department received an unprecedented 4,600 public comments, most in opposition, and the Congress voted to block the rules from taking effect before mid-1981.

In an effort to defend the regulations, Education Secretary Shirley Hufstedler sent representatives of her Title VII office to appear at hearings around the country. But the effect, says Mr. Stein, the education historian, was to strengthen "the popular misconception that the new regulations and the Title VII program were one and the same."

"The opposition made the most of it and was able to weaken both the grant-giving and enforcement aspects of bilingual education," he says.

O.C.R. Retreats

Calling the regulations "harsh, inflexible, burdensome, unworkable, and incredibly costly," Mr. Bell, President Reagan's new Secretary of Education, withdrew the rules on Feb. 2, 1981. The same official who had issued the *Lau* remedies six years earlier, Mr. Bell criticized the idea of mandating native-language instruction as "an intrusion on state and local responsibility."

> Where children have limited-English skills, the district must take affirmative steps to rectify the language deficiency.
>
> — J. Stanley Pottinger, 1970 Memorandum

"We will protect the rights of children who do not speak English well," Mr. Bell said, "but we will do so by permitting school districts to use any way that has proven to be successful."

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The O.C.R., while attempting to define standards that would ensure LEP children's needs were addressed, worked to develop new regulations that would give districts more flexibility. Soon, however, it encountered opposition from within.

Daniel Oliver, the Education Department's new general counsel, expressed "doubts concerning the current validity of [the] *Lau*" decision. In line with the Reagan Administration's philosophy of civil-rights enforcement, Mr. Oliver argued that the O.C.R. should have to prove "discriminatory intent," rather than merely "discriminatory effects," to find a district in violation of Title VI of the Civil Rights Act.

A district's failure to provide any special services to LEP children would clearly violate the law, Mr. Oliver said. But "a school district which implements reasonably a program based upon a theory deemed sound by experts [would] demonstrate a lack of discriminatory purpose," unless the O.C.R. could prove otherwise. A consensus on what regulations to propose was never reached, however, and in late 1982 the idea of issuing new *Lau* rules was abandoned.

Enforcement activity, meanwhile, fell off sharply. The *Lau* remedies were no longer applied. "Districts have been left free to pursue any approach based on informed educational judgment," the O.C.R.'s director, Harry M. Singleton, wrote in a June 29, 1982, memorandum to Secretary Bell.

According to enforcement data compiled by the civil-rights office in 1986, districts were nine times less likely to be monitored for *Lau* violations under the Reagan Administration than under the Ford and Carter administrations. The O.C.R. continued to find violations in nearly 60 percent of its compliance reviews, but follow-up visits were rare.

Effectiveness Controversy

Title VII, meanwhile, came under increasing fire after the *Lau* regulations were withdrawn. Soon after taking office, President Reagan declared that it was "absolutely wrong and against American concepts to have a bilingual-education program that is now openly, admittedly dedicated to preserving native language and never getting adequate in English."

In the fall of 1981, an Education Department review of bilingual-education research concluded that "the case for the effectiveness of transitional bilingual education is so weak" that districts should be encouraged to experiment with alternative methods.

Pressure to drop Title VII's native-language requirement intensified among those who sought funding for programs using E.S.L.-only approaches or "structured immersion" in English.

Fairfax County, Va., a large district in suburban Washington with LEP students from 50 different language groups, was often cited as an example of the impracticality of bilingual education.

In December 1980, Fairfax officials won a four-year battle with the O.C.R. for approval of a *Lau* plan that featured E.S.L. without bilingual instruction. Federal authorities conceded that children were learning in the well-financed program, where teacher-student ratios averaged 12-1 and the district was spending $750 per LEP child in addition to a per-pupil expenditure of $2,696, which was well above the national average.

Esther J. Eisenhower, the district's E.S.L. director, was not an opponent of bilingual education. But she became a leading advocate for giving school officials the discretion and funding "to teach LEP children in the methodologies that they deem best for their students' particular needs."

Testifying before a Senate subcommittee in 1982, Ms. Eisenhower said, "I cannot deny that instruction in the native language—when it is available, when there is the proper curriculum, when there are the best trained teachers—is the best method to teach the children. But sometimes we look at the labels and forget that the main ingredient for education is how a program is implemented."

At the same time, a growing movement led by Senator S. I. Hayakawa, a Republican from California, opposed bilingual instruction less for educational reasons than for ideological ones, insisting that native-language instruction discouraged immigrants from joining the American mainstream.

Representative James Sheuer, one of the original sponsors of the Bilingual Education Act, said the law's "original purposes [had been] perverted and politicized." He said the program had been intended to provide "a pressure-cooker experience in English. [But instead], English has been sort of thinned out and in many cases vanished into the mists."

1984 Amendments

With the act up for reauthorization in 1983, opponents were optimistic that they could get the law changed or block an extension of the program. But the Congress postponed the battle by moving Title VII's expiration date up to the fall of 1984.

Meanwhile, as the Republicans developed new strategies to court the Hispanic vote that year, the President offered words of praise for "effective bilingual programs," and a White House aide described Mr. Reagan's "growing sensitivity on the issue."

Two House Democrats, Dale Kildee of Michigan and Balthazar Corrada of Puerto Rico, introduced legislation reauthorizing the program, drafted by the National Association for Bilingual Education. To the surprise of most observers, the bill moved quickly, largely the result of a compromise worked out with two Republicans representatives, John McCain of Arizona and Steve Bartlett of Texas.

Under the compromise, 4 percent of Title VII funds were authorized for "special alternative instructional programs"—those using no native language. If total appropriations exceeded $140 million, half of the excess would go to the alternative programs, up to 10 percent of total grant awards.

The Reagan Administration has cut Title VII funding from a high of $167 million in 1980 to $133 million in fiscal 1986. For the current fiscal year, the Congress has appropriated $143 million, and grants for English-only programs remain capped at 4 percent.

The 1984 amendments also authorized grant programs for "family English literacy," aimed at parents of children in Title VII programs, and for "developmental bilingual education," or language-maintenance programs.

Soon after his confirmation as Secretary of Education in 1985, William J. Bennett unveiled a "bilingual-education initiative," igniting yet another round of national debate.

Noting high dropout rates among Hispanic students, the Secretary suggested that bilingual education had failed. Federal policy, he said, had "lost sight of the goal of learning English as the key to equal educational opportunity"; instead, native-language instruction had become "an emblem of cultural pride."

Mr. Bennett also said Title VII's requirement for native-language instruction reflected "a foolish conviction that only Washington knew best . . . that local school districts . . . could not be trusted to teach their students English."

His initiative had three parts. First, the Education Department issued new regulations for bilingual-education grants, which gave preference to programs that move children as quickly as possible from native-language instruction to mainstream classes.

Also, it informed the 498 districts that had adopted bilingual education as part of *Lau* plans that they were free to renegotiate the agreements with the O.C.R. But six months later, only 3 percent of those districts had responded, some to say that they planned to expand bilingual programs.

Finally, the Administration, citing "the inconclusiveness of research," proposed legislation to remove all restrictions on Title VII funding for English-only approaches.

Bilingual-education advocates reacted angrily to Mr. Bennett's attempt to undo the bipartisan compromise on the issue reached a year earlier. They predicted that, without restrictions, the Education Department would redirect much of Title VII aid to experimental programs simply because they posed an alternative to bilingual education.

"If this program were fully funded, it wouldn't make much difference," said James J. Lyons, legislative counsel to the National Association for Bilingual Education. "But when you're funding only one-third of those who apply, it's outrageous."

The Reagan Administration is hypocritical, he added, to attack Title VII's native-language requirement, while seeking to eliminate the Emergency Immigrant Assistance program, which largely supports English-as-a-second-language instruction.

Raul Yzaguirre, president of the National Council of La Raza, compared Mr. Bennett's criticism of "federal intrusiveness" to segregationists' invocation of "states' rights," accusing him of stirring up "xenophobic fears" toward language minorities.

"How can a small, voluntary, competitive grant program—in which more school agencies apply than can be funded—be heavy-handed?" Mr. Yzaguirre asked.

The Congress took no action on the Administration's bill last year. But aides to Secretary Bennett have expressed optimism about the legislation's prospects this year. Title VII must be reauthorized in the 100th Congress, and if the department can get an up-or-down vote on its proposal, it has a good chance of passage, according to former Undersecretary of Education Gary L. Bauer.

"Our intention is neither to promote one instructional method at the expense of another, nor to belittle or diminish any culture or heritage," Secretary Bennett has said. "If a district decides that native-language instruction is the best way to help its students learn English, then that district ought to be able to receive federal support."

He adds, however, that "we must be clear as to the goal of the federal bilingual-education program—the rapid acquisition of fluency in English."

Basic Questions Spur Controversy

How many language-minority children in the United States are limited-English-proficient? How adequate a job are the schools doing in serving these students' special needs?

As with most issues in bilingual education, considerable controversy swirls around these questions.

Last year, in his report to the Congress on "The Condition of Bilingual Education in the United States," Secretary of Education William J. Bennett estimated that there were 1.2 million to 1.7 million LEP children of school age, based on an analysis of 1980 Census figures.

Ninety-four percent of the students who needed special language services were receiving them, he added.

Mr. Bennett's figures represented a significant reduction in the department's previous estimate of 2.4 million to 3.6 million LEP children, ages 5 to 14, based on 1978 data. It also reflected a narrower definition of limited-English proficiency—one which, according to the Secretary, gave a truer picture of the number of students who really need help.

Bilingual-education advocates criticised the department for arbitrarily excluding from its count many children who would be eligible for Title VII services under the law.

The Congress deliberately left the definition broad—not requiring native-language proficiency for students classified as limited in English—argued Daniel M. Ulibarri, former director of the National Clearinghouse for Bilingual Education. "What is relevant," he said, "is whether a child is likely to [have], or is having, academic difficulties that are language-background related."

Dorothy Waggoner, a consultant who specializes in language-minority statistics, charged that the department's figures "underestimate needs and overstate the extent of services" to LEP children.

Ms. Waggoner said that a more accurate estimate, based on the 1980 data, is 3.5 million to 5.3 million such students, representing the range of language-minority children who scored, respectively, below the 20th percentile and below the 40th percentile in English proficiency.

Using the same Census data, the department pared its estimate of LEP students by excluding children above the 19th percentile and by applying a series of external criteria. Such factors, which were not mentioned in the Bilingual Education Act, included the language the child spoke at home and with peers, the language of the head of household, and whether a child was foreign-born.

Mr. Bennett's estimate that 94 percent of LEP children were being served—in bilingual classrooms or in English-as-a-second language programs, among other ways—was derived from a survey of school districts conducted in 1983-84 by Development Associates under contract with the department. The study noted, however, that "districts may tend to define and report LEP students in terms of services provided rather than in terms of external criteria of need."

A New York City study conducted by the Educational Priorities Panel, a citizens' advocacy group, concluded that 44,000 of the city's 110,000 LEP students were not receiving language services.

According to the Education Department's previous figures of 2.4 million to 3.6 million LEP students, the Development Associates' estimate of 790,000 students served would indicate that only 22 percent to 33 percent of LEP children are getting help, Ms. Waggoner contended.

Using the same assumptions, calculations indicate that federal Title VII grants support programs for 5 percent to 8 percent of the LEP population.

Critics of the department's new figures also argue that the data omit large numbers of LEP children who have immigrated to the United States since 1980. In California, for instance, the state estimates that the number of LEP children jumped from 326,000 in 1980 to 567,000 in 1986—a 73 percent increase.

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Voluntary Programs Said More Effective In Desegregating

Study's Findings At Odds With Previous Research

By William Snider

WASHINGTON—School-desegregation plans that rely primarily on voluntary measures provide more interracial mixing over the long term than those that rely primarily on mandatory busing, a new study prepared for the Education Department has found.

"The Carrot or the Stick in School-Desegregation Policy," which has not yet been released by the department, is the most comprehensive study since 1979 to address the relative effectiveness of voluntary and mandatory desegregation plans, experts in the field said last week.

It is also, they noted, the first to conclude that voluntary plans are more effective.

Since 1981, virtually every major court-ordered desegregation plan adopted has relied heavily on voluntary student transfers, usually with an implied or stated provision for mandatory student reassignments if the plan's target goals are not met.

Acknowledging that the new research findings are controversial, and that they in some cases contradict existing research, desegregation experts said last week that the study's comprehensiveness made it an important contribution to the debate on effectiveness.

The principal finding of the study—that voluntary plans desegregate school districts more effectively than mandatory plans—is based on a sample of 20 districts, most of which were included in a major federally funded study completed in 1979 that reached the opposite conclusion.

According to Christine H. Rossell, an associate professor of political science at Boston University and one of the new study's authors, the change can be attributed, in part, to the fact that, in the 20 districts studied, "the voluntary plans have, on average, [produced] about half the 'white flight' over time as the mandatory plans."

At the time of the earlier study, by Abt Associates Inc., the voluntary magnet-school plans had only been in place for an average of one year, she said, which prevented researchers from assessing the long-

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Carnegie-Funded Project Strives To Improve Teacher Assessments

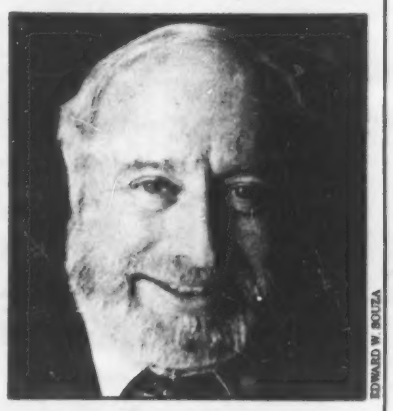
By Lynn Olson

PALO ALTO, CALIF.—As the planning group charged with creating a national teacher-certification board tries to complete its work before the next school year, researchers here are seeking "creative" ways to tackle the proposed board's stickiest problem: how to measure a teacher's knowledge and ability.

Backed by an $817,000 grant from the Carnegie Corporation of New York, the Stanford University research team is in the midst of a 15-month project to develop sample exercises that will provide a better guage of the complexities of teaching than current teacher tests.

The set of exercises, or "prototypes," would put teachers through such representative—but seldom measured—tasks as evaluating a textbook, managing a disruptive student, and making out a lesson plan.

The project is not aimed at creating a national teacher test, said Lee S. Shulman, the principal investigator and professor of education at Stanford. But the prototypes developed, he said, should help the board make "the tough choices it's going to have to make about what kinds of assessments to commission."



EDWARD W. SOUZA

Lee S. Shulman

The Stanford researchers have focused their efforts on two very narrow sections that might be included in such national teacher tests: the capacities needed to teach fractions to elementary-school students and the American Revolution to

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E.D. Probes Find Rights Officials Falsified Papers

Documents Were Backdated To Meet Judicial Deadline

By William Snider

WASHINGTON—Officials in the Education Department's regional offices have backdated documents relating to civil-rights complaints to make it appear as if they had complied with deadlines set forth in a federal court order, department investigators have found.

Two internal investigations conducted last year also revealed that 6 of the 10 regional offices "incorrectly" suspended the processing of some civil-rights cases for reasons other than those allowed by the court order, according to department documents.

As a result of the investigations, which were completed in the fall and winter of 1986, new case-management procedures have been instituted, and some employees have been disciplined or admonished, department officials said last week.

"We discovered a problem, moved on it, and fixed it as quickly as we could," said Loye Miller, chief spokesman for Secretary

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Apparent Link Between Media Coverage And 'Copycat' Suicides Worries Experts

By Debra Viadero

WASHINGTON—Meeting here in the aftermath of last month's group suicide by four Bergenfield, N.J., teen-agers, two expert panels confronted a disturbing dilemma underscored by that widely reported tragedy: How do you talk about suicide without inspiring it?

The panelists' answer, in a word: "Carefully."

"Frankly, we have a limited understanding as to precisely what kind of information causes what to happen among teen-agers or anybody," said Dr. Herbert Pardes, chairman of the department of psychiatry at Columbia University. He was among the experts assembled by the Youth Suicide National Center for a press conference on March 26.

"We just don't know what works yet," said another psychiatrist the following day, at a separate panel discussion organized by the Scientist's Institute for Public Information and the American Orthopsychiatric Association.

Planned well in advance of the Bergenfield suicides, the second meeting was to have focused on the way news media portray adolescents. But the topic of youth suicide dominated the discussions.

The unprecedented media examination of the Bergenfield tragedy and subsequent "copycat" suicides in several states, the experts said, reflects a heightening of public concern over how to discuss youth suicides in the classroom, in the home, and, primar-

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Proposals To Restrict Chapter 2 Spending Are Spurring Debate

By William Montague

WASHINGTON—A three-way debate is shaping up in the halls of the Congress over the future of Chapter 2, the highly popular block-grant program that provides $500 million a year for states and local school districts to spend on programs of their own choosing.

Chapter 2 is scheduled to expire next year, and the Congress is in the process of drafting a five-year reauthorization law for the program.

Key Congressional leaders, eager to launch a number of new education initiatives this year, are increasingly viewing Chapter 2 as a vehicle for funding those efforts in an era of fiscal austerity. Toward that end, bills have been introduced in the House and Senate to impose restrictions on how state and local school officials can spend their Chapter 2 funds.

Representatives of the major education groups, though wary of efforts to limit state and local flexibility, seem willing to compromise. They appear united in their opposition to the Senate measure, while giving a qualified endorsement to the less-stringent House proposal.

On the third side of the debate, however, the Reagan Administration is flatly rejecting any such spending limitations. In fact, the Education Department wants to loosen existing restrictions that prevent local offi-

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Also in the news

Newly Certified Teachers Praise N.S.T.A. Program

Fewer than a third of the nation's science teachers would qualify for a new National Science Teachers Association certification, but the first teachers to do so have applauded the program.

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Aid Cuts Said 'Spoiling Dreams' of Black Youths

Cuts in federal student aid have disproportionately hurt private black colleges, according to a new study, and may have discouraged many black students from attending college.

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Education Department Plans New Look For ERIC

A proposed redesign of the Educational Resources Information Centers is expected to make the databank available to a larger audience and increase participation by private groups.

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IN SUMMARY

Seat Belts in Buses
As some districts move to install seat belts in school buses, the National Transportation Safety Board has concluded that, in buses, the restraints probably do not prevent serious injury. **Story on Page 4.**

Just Say No to Sex
Speaking to physicians in Philadelphia last week, President Reagan declared war on acquired immune deficiency syndrome and urged schools to teach sexual abstinence as the best defense. **Story on Page 4.**

Staying in School
The annual high-school dropout rate declined significantly between 1973 and 1983, particularly among black males, a new U.S. Census Bureau study reports. **Story on Page 8.**

California Politics
In an ongoing dispute, the legislature is gearing up to overturn Gov. George Deukmejian's veto of a bill that would have added $76.3 million to the state's precollegiate-education budget. **Story on Page 12.**

Out of the Driver's Seat
Secretary of Education William J. Bennett has called on the nation's governors to deny driving privileges to young people who are caught using or selling drugs. **Story on Page 12.**

Religion in the Classroom?
The U.S. Supreme Court has let stand an appeals-court decision that an Oregon school district acted legally in dismissing a teacher for wearing religious garb in the classroom. **Story on Page 15.**

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THE WEEK

FEDERAL

Bill Seeks To Promote Foreign Languages

Four key Democratic members of the Senate Labor and Human Resources Committee have introduced legislation that would make outstanding teachers of foreign languages eligible for $10,000 cash awards.

Under the measure, which includes a number of other education-related initiatives aimed at increasing U.S. economic competitiveness, 104 elementary and secondary teachers each year would receive "Presidential awards for teaching excellence in foreign languages."

The sponsors of the bill, introduced late last month, say they hope the awards will help alleviate a growing national shortage of qualified foreign-language instructors.

"The language of trade is the language of the customer," said Senator Christopher Dodd of Connecticut, the bill's primary sponsor. "To be competitive in the international marketplace, U.S. businesses must be able to communicate effectively with clients in other countries."

Senator Dodd's measure would require the President to present the awards to one elementary and one secondary teacher from each of the 50 states, the District of Columbia, and Puerto Rico.

The bill would also authorize the Education Department to spend $35 million in each of the next five years to pay for model programs in foreign-language instruction techniques.

Both public and private school systems would be eligible for the grants.

NATIONAL

Three-Point Field Goal Adopted for Basketball

The national group that sets high-school basketball rules for some 17,000 schools has adopted the three-point field goal for boys' and girls' basketball, effective next season.

Under the new rule adopted last month by the National Federation Basketball Rules Committee, successful shots taken from beyond 19 feet, 9 inches will count for three points.

The distance, which is measured from the center of the basket to the top of the "key," is the same as the distance now used in collegiate basketball.

The three-point shot has been allowed by the rules committee on an optional basis for the past two years, the group noted in a prepared statement.

The committee also adopted the following major rule changes for the 1987-88 season:

- All technical fouls will carry a penalty of two free throws. In addition, the coach and player will both be assessed technical fouls when the player dunks and grasps the ring during pre-game and half-time warmups.
- Players may occupy only one of the eight free-throw-line spaces, or must position themselves behind the three-point line to the rear of the free-throw shooter.

STATES

R.I. Teachers Approve Statewide-Strike Option

The Rhode Island affiliate of the National Education Association has voted to give its leadership greater leeway in calling for statewide teachers' actions, including strikes, a state union official said last week.

Under the policy, the state union's president can call for "appropriate statewide action" if the collective-bargaining rights of members of any local bargaining unit are violated in an "extraordinary or intolerable manner," said Harvey B. Press, president of the National Education Association of Rhode Island.

Such action could range from the wearing of arm bands and informational picketing to the calling of a statewide strike, Mr. Press said. "It gives us a tremendous number of options," he said.

Before deciding what action should be taken, the president of the N.E.A.R.I. must confer with the union's "crisis task force," which is made up of the presidents of all local affiliates in the state.

Since 1972, the state president has had the authority to call a statewide strike, but only if a district used non-union employees to open its schools during a job action. Such a situation has never arisen, according to Mr. Press.

The new N.E.A.R.I. policy, approved on March 21 by delegates to the state union's midyear meeting, does not affect all teachers or districts in the state.

While N.E.A. affiliates represent teachers in 31 of the state's 40 school districts, the majority of the state's 10,500 teachers belong to the Rhode Island Federation of Teachers, an affiliate of the American Federation of Teachers, which represents teachers in the larger districts.

Board in Mississippi Avoids Vote on Prayer

Despite evidence that few Mississippi school districts have a policy against prayer in the schools, the state board of education has decided it is unnecessary to remind local districts that the practice is unconstitutional.

The state superintendent of education, Richard Boyd, brought the issue before the board late last month, following reports that students in the Madison County school district were praying in the schools.

But board members decided not to take any action because they believed the prohibition against school prayer was well known, according to Andrew Mullins, a spokesman for the board. "We assume that if we've received no complaints, there's no need to remind the districts," he said.

Despite the 1962 ruling by the U.S. Supreme Court banning prayer in public schools, the Mississippi House and Senate approved a resolution late last month calling on the Congress to amend the Constitution to allow it. The measure passed in the state's higher chamber by a vote of 48-1; the house vote was 107-6.

According to a survey conducted by the Jackson, Miss., newspaper, *The Clarion Ledger*, very few districts in the state have a formal policy banning prayer in the schools.

"Mississippians don't chose to believe that this is the law of the land," said Hilary Chiz, the executive director of the Mississippi chapter of the American Civil Liberties Union.

Illinois's Aid for Gifted Inadequate, Study Finds

The State of Illinois should boost funding for its program serving gifted and talented students, and should require all districts to participate, according to a preliminary study by the state department of education.

The study, released last month, found that the $9 million the state currently provides to districts for the program is insufficient to ensure that all eligible students receive adequate services.

"The funding has driven the program," rather than the other way around, the department report concluded.

Moreover, the department found, nearly 150 of the state's 994 districts, enrolling an estimated 3,000 to 4,000 gifted and talented students, have elected not to participate in the program.

A final report will be submitted to the full state board later this spring, according to Wilma J. Lund, gifted-education coordinator in the department.